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4 **UNITED STATES DISTRICT COURT**
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6 EASTERN DISTRICT OF CALIFORNIA

7 JUNE M. DOMINO,

8 Plaintiff,
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10 v.
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12 CALIFORNIA DEPARTMENT OF
13 CORRECTION & REHABILITATION;
14 KATHLEEN ADDISON; DR. STEPHANIE
15 NEUMANN BESE PSY.D.; and DOES 1-50,
16 inclusive,
17 Defendants.
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Case No. 1:19-cv-01790-JLT-SKO

**ORDER DIRECTING SERVICE BY THE
UNITED STATES MARSHALS SERVICE
WITHOUT PREPAYMENT OF COSTS**

15 In view of the receipt of completed service documents (*see* Doc. 50), pursuant to Federal
16 Rule of Civil Procedure 4(c), it is HEREBY ORDERED that:

- 17 1. For each defendant to be served, the Clerk of the Court is directed to forward the
18 following documents to the United States Marshals Service:
 - 19 a) One completed and issued summons;
 - 20 b) One completed USM-285 form;
 - 21 c) One copy of the Second Amended Complaint filed November 24, 2021, plus
22 an extra copy for the Marshals Service; and
 - 23 d) One copy of this order, plus an extra copy for the Marshals Service.
- 24 2. Within ten days from the date of this order, the Marshals Service is directed to notify
25 the following defendants of the commencement of this action and to request a waiver
26 of service in accordance with the provisions of Fed. R. Civ. P. 4(d) and 28 U.S.C. §
27 566(c):

California Department of Correction & Rehabilitation

Kathleen Addison

Dr. Stephanie Neumann Bese Psy.D.

3. The Marshals Service shall file returned waivers of service as well as any requests for waivers of service that are returned as undelivered as soon as they are received.
4. If a waiver of service is not returned by the defendants within thirty days of the date of mailing the request for waiver, the Marshals Service shall:
 - a) Personally serve process and a copy of this order upon the defendants pursuant to Rule 4 of the Federal Rules of Civil Procedure and 28 U.S.C. § 566(c).
 - b) Within ten days after personal service is effected, the Marshals Service shall file the return of service for the defendants, along with evidence of any attempts to secure a waiver of service of process and of the costs subsequently incurred in effecting service on said defendants. Said costs shall be enumerated on the USM-285 form and shall include the costs incurred by the Marshals Service for photocopying additional copies of the summons and the Second Amended Complaint and for preparing new USM-285 forms, if required. Costs of service will be taxed against a personally served defendant in accordance with the provisions of Fed. R. Civ. P. 4(d)(2).
5. **If a defendant waives service, they are required to return the signed waiver to the Marshals Service. The filing of an answer or a responsive motion does not relieve a defendant of this requirement, and the failure to return the signed waiver may subject a defendant to an order to pay the costs of service pursuant to Fed. R. Civ. P. 4(d)(2).**
6. Once a defendant either waives service or is personally served, that defendant is required to respond to the Second Amended Complaint.

IT IS SO ORDERED.

1 Dated: January 11, 2022

/s/ Sheila K. Oberto
2 UNITED STATES MAGISTRATE JUDGE

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